IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

CHA**MBER SUMMONS No. 487 of 1991**
IN
EXECUTION APPLICATION No.261/90

IN
MADRAS S.921 of 1988.

M/s. Vikas Enterprises. ..Plaintiffs.

Versus.

M/s.Soft Trimers & Ors. ..Defendants.

And
M/s.Textrich Fabrics
Pvt. Ltd. and Ors. ..Applicants.

Mr. N. L. Mudnany, Advocate for applicants.

Mr. Denzil D'Mellofor decree holder.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 26th JUNE,2006.

P.C.:-

1] This Chamber Summons is taken out by the applicants for raising attachment.

2] In the affidavit in support which is filed by one Bhagwan M. Moorjaney, Director of the applicants, a reference is made to several documents and copies of them are annexed to support the contention that the moveable as well as immoveable properties are not liable for attachment as they did not belong to the Judgment Debtor but to the applicants.

3] Affidavit in reply has been filed to this Chamber Summons and upon perusal of the same there is an order that Chamber Summons be adjourned to Court for recording evidence. In the affidavit in reply there is reference made to other two Chamber Summons namely 17 and 18 of 1991. However, when Chamber Summons No. 487 of 1991 was called out today Mr. Mudnany sought to withdraw his appearance as Advocate for the applicants on the ground that the applicants have not contacted him nor gave any instructions to him.

4] In my view, this application is pending from 1991 and order is passed that it should be adjourned to court for recording evidence. Even that order is passed way back in the year 1993. The applicants are not present nor anybody on their behalf is present to support the averments in the Chamber Summons.

5] Chamber summons No. 18 of 1991 is already disposed off. After fifteen years from the date of this Chamber Summons, I see no good ground to adjourn the same nor to grant the request of Shri.Mudnany.

6] Consequently, Chamber Summons No. 487 of 1991 stands dismissed for want of prosecution.

7] Needless to state that decree holder can proceed with the Execution in accordance with law.

(S.C.DHARMADHIKARI,J.)